

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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J.W. SPORTY SMITH, JR.,

Plaintiff,

v.

ZEEKY CORPORATION, et al.,

Defendants.

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CIVIL ACTION

No. 09-4253

**ORDER**

\_\_\_\_\_**AND NOW**, this 7th day of May, 2010, upon consideration of Defendants' uncontested Motion for Judgment on the Pleadings and/or Summary Judgment (Doc. No. 11), it is hereby **ORDERED** that:

- (1) Defendants' Motion is **GRANTED**;
- (2) Count I of Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**; and
- (3) Counts II through XIII of Plaintiff's Complaint are **DISMISSED WITHOUT PREJUDICE**.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE